

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1447 – HB 1645

March 7, 2016

SUMMARY OF ORIGINAL BILL: Extends the statute of limitation for felony child abuse and child neglect and for aggravated child abuse, aggravated child neglect, and aggravated child endangerment to 10 years after the child reaches 18 years of age.

Extends the statute of limitation for misdemeanor child abuse, child neglect, and child endangerment to five years after the child reaches 18 years of age.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$91,100/Incarceration*

Increase Local Expenditures – \$7,200/Incarceration**

SUMMARY OF AMENDMENT (013108): Deletes all language after the enacting clause.

Extends the statute of limitation for aggravated child abuse, aggravated child neglect, and aggravated child endangerment to 10 years after the child reaches 18 years of age or the time within which prosecution must be commenced under Tenn. Code Ann. § 40-2-101(b), whichever is later.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – \$38,400/Incarceration*

Assumptions for the bill as amended:

- Under current law, the statute of limitation for Class B felony aggravated child abuse, aggravated child neglect, and aggravated child endangerment is eight years; and the statute of limitation for Class A felony aggravated child abuse, aggravated child neglect, and aggravated child endangerment is 15 years.
- The bill as amended will extend these statutes of limitation to 10 years after the child reaches 18 years of age for aggravated child abuse, aggravated child neglect, and

aggravated child endangerment or within which prosecution must be commenced under Tenn. Code Ann. § 40-2-101(b), whichever is later.

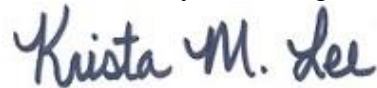
- Aggravated child abuse, aggravated child neglect, and aggravated child endangerment are enhanced to a Class A felony when the child is under eight years of age. The bill as amended will extend the statute of limitation for Class A felony aggravated child abuse, aggravated child neglect, and aggravated child endangerment from 15 years to at least 20 years. The bill as amended will extend the statute of limitation for Class B felony aggravated child abuse, aggravated child neglect, and aggravated child endangerment from eight years to at least 20 years.
- Extending the statutes of limitation gives district attorneys more time within which to bring a criminal prosecution against a defendant.
- Statistics from the Department of Correction (DOC) show an average of 6.8 admissions per year over the last 10 years for Class B felony aggravated child abuse, aggravated child neglect, and aggravated child endangerment, and an average of 15.7 admissions per year over the last 10 years for Class A felony aggravated child abuse, aggravated child neglect, and aggravated child endangerment.
- Given the large increase in the statute of limitation, from eight years to no less than twenty years, it is assumed that the bill as amended will result in one additional admission every five years for Class B felony aggravated child, aggravated child abuse, or aggravated child endangerment.
- It is assumed that the bill as amended will result in one additional admission every five years for Class A felony aggravated child abuse, aggravated child abuse, or aggravated child endangerment.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will not affect the fiscal impact of this legislation.
- A recidivism discount applies, but due to the low number of admissions added by this legislation, the recidivism discount does not impact the incarceration cost for the proposed legislation.
- According to the DOC, the average operating cost per offender per day for calendar year 2016 is \$67.73.
- Statistics from DOC show an average time served of 2.57 years for Class B felony aggravated child abuse, aggravated child neglect, and aggravated child endangerment.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender every five years serving 2.57 years (938.69 days) for a total of \$63,577.47 (\$67.73 x 938.69 days). The annualized cost is \$12,715.49 (\$63,577.47 / 5 years).
- Statistics from DOC show an average time served of 5.19 years for Class A felony aggravated child abuse, aggravated child neglect, and aggravated child endangerment.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender every five years serving 5.19 years (1,895.65 days) for a total of \$128,392.38 (\$67.73 x 1,895.65 days). The annualized cost is \$25,678.48 (\$128,392.38 / 5 years).
- The total recurring increase in state incarceration costs is \$38,393.97 (\$12,715.49 + \$25,678.48).

- The bill as amended creates two new cases every five years. It is assumed that the Administrative Office of the Courts (AOC), the District Attorneys General Conference (DAGC), and the District Public Defenders Conference can accommodate the additional cases within their existing resources.
- The AOC and DAGC confirm that they can handle the impact of the bill as amended within their existing resources.

**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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